

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROSA MARIA CABRERA  
THOMPSON,

Plaintiff,

v.

MUKILTEO SCHOOL DISTRICT NO.  
6,

Defendant.

CASE NO. 2:25-cv-00529-JNW

ORDER

This matter comes before the Court on pro se Plaintiff Rosa Maria Cabrera Thompson's Motion for Protective Order, Dkt. No. 33, and Motion for Sanctions, Dkt. No. 35. For the reasons explained below, these motions are DENIED.

District courts have a duty to construe pro se pleadings liberally. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). This liberal construction is particularly important in civil rights and discrimination cases. *See Karim-Panahi v. Los Angeles Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988). Even so, while the Court construes Thompson's filings liberally, she still faces the procedural rules governing the discovery process and the imposition of sanctions. *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995) (noting that pro se litigants are bound by the rules of procedure).

1 Taking issue with an April 3 litigation-hold email sent by Defendant  
2 Mukilteo School District (“the District”) to several distribution lists, Thompson  
3 moves for a protective order “[p]ursuant to Fed. R. Civ. P. 26(c) and Local Civil Rule  
4 26(c).” Dkt. No. 33. This request is procedurally deficient. Under Rule 26(c), a  
5 “person from whom discovery is sought may move for a protective order in the court  
6 where the action is pending[.]” Fed. R. Civ. P. 26(c). Here, no discovery has been  
7 sought. As the District points out, “[d]iscovery [h]as [n]ot [y]et [s]tarted.” Dkt. No.  
8 40 at 4; *see also* Dkt. No. 41 ¶ 3. Therefore, a protective order under Rule 26(c) is  
9 unwarranted. Further, Thompson’s motion contains no certification indicating good-  
10 faith efforts to meet and confer with opposing counsel to resolve the dispute without  
11 Court intervention. *See* Dkt. No. 33. In general, such a certification is necessary  
12 before the Court will even consider granting relief in a discovery dispute. *See* Fed.  
13 R. Civ. P. 26(c); LCR 26(c). Thompson’s Motion for Protective Order, Dkt. No. 33, is  
14 therefore DENIED.<sup>1</sup>

15 The Court turns next to Thompson’s Motion for Sanctions. Dkt. No. 35.  
16 Thompson alleges that the District’s April 3 litigation-hold email instructing  
17 recipients to preserve information and documents relevant to this litigation violated  
18 several of the District’s legal obligations. *Id.*; *see* Dkt. No. 33-3 at 2–3. She also  
19 alleges that the District has engaged in retaliatory witness intimidation and

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21 <sup>1</sup> If Thompson wishes to allege that the April 3 litigation-hold email, Dkt. No. 33-3  
22 at 2–3, constitutes a new breach of the parties’ EEOC settlement agreement, she  
23 may seek leave to amend her complaint to assert such allegations. But given the  
routine nature of such emails within civil litigation, and the parties’ duty not to  
spoliate evidence, the Court is skeptical that such a claim would succeed on the  
merits.

1 evidence spoliation. *See* Dkt. No. 35 at 1. Upon review, the Court finds that the  
2 April 3 email appears appropriately tailored to comply with the District’s duty to  
3 preserve evidence. And the Court finds no factual support for Thompson’s  
4 allegations of witness intimidation or evidence spoliation. In short, the Court finds  
5 no grounds for sanctions. The motion is DENIED. Dkt. No. 35.

6 Finally, the Court addresses the District’s request, in its opposition brief, for  
7 “an award of attorney’s fees and costs associated with responding to Plaintiff’s  
8 frivolous Motion for Sanctions, as there was no attempt by Plaintiff to confer with  
9 Defendant’s counsel in an effort to resolve the discovery dispute without the  
10 requested court action.” Dkt. No. 48 at 7. Given Thompson’s pro se status—and the  
11 serious nature of the allegations contained in her complaint—the Court declines to  
12 impose an award of attorney’s fees and costs in the District’s favor.

13 IT IS SO ORDERED.

14 Dated this 5th day of May, 2025.

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16 Jamal N. Whitehead  
17 United States District Judge  
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